

HUMAN SERVICES BOARD

INTRODUCTION

FINDINGS OF FACT

2. The Department determined that the petitioner's earnings from employment were \$623.50 a month. When this income was added to his Social Security benefits, and after

all allowable deductions were applied (see *infra*), the Department determined that the petitioner had countable income for Food stamps of \$1,112.80. Inasmuch as this income was in excess of the Food Stamp maximum of \$817, the Department notified the petitioner on October 31, 2006 that his Food Stamps would close effective November 30, 2006.

3. The petitioner does not dispute the amounts of his earned and unearned income, or any of the deductions the Department allowed him. He appealed because he thinks his earnings under the SSDI Waiver Program should be excluded from consideration for Food Stamps.

4. The hearing in this matter was continued for several weeks during which the Department agreed to inquire whether any such exemption was allowed under the SSDI Waiver Program. The petitioner does not dispute the Department's ultimate representation that the SSDI Waiver Program allows exemptions of earned income only for purposes of Social Security benefits, not Food Stamps. The petitioner also does not dispute the Department's representation that, to date, his employment earnings have been insufficient for him to qualify for the "trial work" exemption provisions of this program.¹

¹ There is no dispute that the petitioner's earnings have not been enough to affect the amount of his Social Security benefits.

ORDER

The Department's decision is affirmed.

REASONS

The Food Stamp regulations include all Social Security payments as unearned income. All earnings from employment except those specifically excluded are also counted. See Food Stamp Manual (F.S.M.) § 273.9(b).

The list of income exclusions is contained in F.S.M. § 273.9(c). As noted above, the petitioner does not dispute the Department's determinations that his earnings are insufficient to trigger the exemption provisions of the SSDI Waiver Project in which he is enrolled and that, even if they were, the exemption applies only to Social Security benefits, not Food Stamps.

Deductions from income are limited to those specifically itemized in the regulations. F.S.M. § 273.9(d). The petitioner does not dispute that the Department has correctly calculated his income and allowable deductions, and that these amounts do not lower his countable income below \$817, which is the maximum to allow Food Stamps to be payable to a one-person household. See P-2590D.

Inasmuch as the Department's decision in this matter accurately reflected the petitioner's countable income and expenses as of October 2006, and was in accord with the applicable regulations, the Board is bound by law to affirm. 3 V.S.A. § 3091(d), Fair Hearing Rule No. 17.

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